

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

TIMOTHY J. FAST
on behalf of himself and all
others similarly situated

Plaintiff,

v.

Case No. 16-CV-1637

CASH DEPOT, LTD.,

Defendant.

**PLAINTIFF'S MOTION FOR LEAVE TO FILE SURREPLY IN OPPOSITION TO
DEFENDANT'S MOTIONS TO DISMISS ON MOOTNESS GROUNDS, FOR SUMMARY
JUDGMENT, AND TO LIFT THE TEMPORARY STAY OF PROCEEDINGS**

Plaintiff, Timothy J. Fast, by his counsel, Walcheske & Luzi, LLC, hereby moves the Court pursuant to Civil L.R. 7(i) for leave to file his Surreply in Opposition to Defendant's Motions to Dismiss on Mootness Grounds, for Summary Judgment, and to Lift the Temporary Stay of Proceedings in order to correct Defendant's misrepresentations of law and mischaracterization of Plaintiff's calculation methodology as stated in Defendant Cash Depot's Reply Brief. In support of this Motion, Plaintiff states:

1. On August 4, 2017, Defendant its Motion to Lift the Temporary Stay of Proceedings, (ECF No. 16), Motion to Dismiss on Mootness Grounds, (ECF No. 17), and Motion for Summary Judgment, (ECF No. 22) (collectively, "Defendant's Motions").
2. On September 1, 2017, Plaintiff filed His Brief in Opposition to Defendant's Motions to Dismiss on Mootness Grounds, for Summary Judgment, and to Lift the Temporary Stay of Proceedings. (ECF No. 34.)

3. On September 15, 2017, Defendant filed Defendant Cash Depot's Reply Brief (hereinafter, Defendant's "Reply Brief"). (ECF No. 37.)
4. Plaintiff recognizes that this surreply adds to the already voluminous materials before the Court in connection with Defendant's Motions. However, Defendant made multiple misrepresentations of law and of Plaintiff's argument in its Reply Brief. Thus, Plaintiff believes this surreply is necessary in order for the Court to be able to fully and fairly consider his positions and arguments on the issues.

Plaintiff, therefore, respectfully requests leave to address these issues by filing his Surreply, which is attached to this Motion.

Dated this 18th day of September, 2017.

WALCHESKE & LUZI, LLC
Counsel for Plaintiff

s/ James A. Walcheske
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